

[(c)] (D) "Nursery stock" means (1) all trees, shrubs, and woody vines, whether cultivated, native, or wild, and all viable parts of the plants; (2) any other plant included by the Secretary, if he considers control of its movement necessary to control any dangerously injurious [insect, other animal pest, or plant disease] PLANT PEST; and (3) woody plants, whether greenhouse or field grown, if for outside planting, except florists' or greenhouse plants for inside culture or use, unless the Secretary declares otherwise.

(E) "NURSERY" MEANS ANY PLACE WHERE NURSERY STOCK IS PRODUCED FOR SALE [[OF]] OR DISTRIBUTION.

[(d)] [[(E)]] (F) "Nurseryman" means any person engaged in the production of nursery stock for sale or distribution.

[[(F)]] (G) "PLANT PEST" MEANS ANY INSECT, SNAIL, NEMATODE, FUNGUS, VIRUS, BACTERIA, WEED, OR ANY OTHER FORM OF TERRESTRIAL OR AQUATIC PLANT [[OR ANIMAL LIFE]] OR MICROORGANISMS (EXCEPT VIRUSES, BACTERIA, OR OTHER MICROORGANISMS ON OR IN LIVING MAN OR ANOTHER LIVING ANIMAL) WHICH IS NORMALLY CONSIDERED TO BE A PLANT PEST OR WHICH THE SECRETARY DECLARES TO BE A PEST.

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(A) The Secretary at least once a year shall determine by inspection the health and general condition of the horticultural and agricultural interests in each county of the State.

(B) THE SECRETARY SHALL ADOPT RULES AND REGULATIONS GOVERNING THE CERTIFICATION OF NURSERIES AND THE LICENSING OF DEALERS AND BROKERS, DEVELOP A SYSTEM FOR ESTABLISHING PLANT STANDARDS, INCLUDING PEST FREE STOCK, AND DEVELOP A PROGRAM FOR PREVENTING THE SALE OR DISTRIBUTION OF PLANTS THAT MAY BE INFESTED OR INFECTED WITH DANGEROUSLY INJURIOUS PESTS.

[[(C) ALL FEES COLLECTED UNDER THE PROVISIONS OF THIS SUBTITLE SHALL BE PLACED IN A FUND, KNOWN AS THE "PLANT PROTECTION FUND" AND USED TO PARTIALLY DEFRAY THE EXPENSES OF ADMINISTERING THIS SUBTITLE. UP TO \$30,000 MAY BE PERMITTED TO ACCRUE IN THIS FUND AND ANY UNEXPENDED FUNDS ABOVE THIS AMOUNT SHALL REVERT TO THE GENERAL FUNDS OF THE STATE AT THE END OF THE FISCAL YEAR.]]

(C) ALL FEES COLLECTED UNDER THE PROVISIONS OF THIS SUBTITLE SHALL BE PLACED IN A FUND KNOWN AS THE "PLANT PROTECTION FUND" AND USED TO PARTIALLY DEFRAY THE EXPENSE OF ADMINISTERING THIS SUBTITLE. ANY UNEXPENDED